

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

Wilmington Civil Division

FILED

APR 10 2024

PETER A. MOORE JR., CLERK  
US DISTRICT COURT, EDNC  
BY 8 DEP CLK

Dr. Francis A.M. Manno

Case No.

4:24-cv-60-BO

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Dr. Susan McRae, Mrs. Karen Oppelt, Members of the  
IACUC, Dr. Allison Danell

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Dr. Francis Manno
Street Address	39308 Wahoo Circle PO Box 597
City and County	Avon, Dare County
State and Zip Code	North Carolina, 27915
Telephone Number	252-328-2029
E-mail Address	fmanno1@jhu.edu

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Dr. Susan McRae
Job or Title <i>(if known)</i>	IACUC Chair
Street Address	101 E 10th St
City and County	Greenville, Pitt
State and Zip Code	North Carolina, 27858
Telephone Number	252-328-6515
E-mail Address <i>(if known)</i>	mcraes@ecu.edu

## Defendant No. 2

Name	Mrs. Karen Oppelt
Job or Title <i>(if known)</i>	Clinical Assistant Professor
Street Address	215 Edward Warren Life Sciences
City and County	Greenville, Pitt
State and Zip Code	North Carolina
Telephone Number	(252) 744-2454
E-mail Address <i>(if known)</i>	oppeltk@ecu.edu

## Defendant No. 3

Name	Members of the IACUC (EXCLUDING ECU)
Job or Title <i>(if known)</i>	IACUC Members (supporting Institutional Official only if litigant)
Street Address	E 5th St, 212 Life Sciences Bldg
City and County	Greenville, Pitt
State and Zip Code	North Carolina, 27834
Telephone Number	
E-mail Address <i>(if known)</i>	IACUC@ecu.edu

## Defendant No. 4

Name	Dr. Allison Danell
Job or Title <i>(if known)</i>	Professor and Dean-Thomas Harriot College of Arts and Sciences
Street Address	1002 Bate Building Greenville
City and County	Greenville, Pitt
State and Zip Code	North Carolina, 27834
Telephone Number	252-328-6249
E-mail Address <i>(if known)</i>	danella@ecu.edu

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

- 1) CFR 9 Chapter I Subchapter-A Part-2 Subpart-C (Procedural due process-Equal Protection). 2) CFR 42 Chapter I Subchapter H Part 93 Subpart C § 93.302 (Professional misconduct -5 CFR § 2635.101). 3) Title 45 Subtitle A Subchapter A Part 75 (Misappropriation and misuse of funds). 4) 34 CFR § 100.3 - Discrimination prohibited. (c) Employment practices. (3c) and Title 45 Subtitle A Subchapter A Part 80

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Contravening CFR statutes listed above since August 24th, 2022 with no effective resolution. Aggregated collection of documents attached: 1) See collated dossier of emails, responses, attestations and request for changes contravening the law. See similar protocols at ECU and UNC denying equal protection. Defendants in the UNC system currently conduct identical protocols to Dr. Manno and therefore ECU contravenes statutes by denying due process. 3) Each defendant did cause irrevocable harm and violated the plaintiff's rights, from August 24th, 2022 through the current date and continuing in accordance with the violations stipulated by CFR. Immediate Relief is sought.

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Immediate relief associated with the damages, predicated by the defendants as the matter is currently unresolved and before the court: \$4,800,000.00

- 1) Academic Career impact, current and future prorated earnings.
  - 2) Gross Negligence, willful/ intentional misconduct violating public policy
  - 3) Punitive or exemplary damages claimed: magnitude amount commensurate with compensatory damages.
- Lawyer fees.



**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

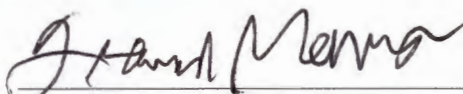
**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/10/2024

Signature of Plaintiff

Printed Name of Plaintiff



Dr. Francis A.M. Manno

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address